



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

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| Policy No.: DOC 4.7.7 | Subject: GUIDELINES FOR COUNTY JAIL PLACEMENTS |
| Chapter 4: FACILITY/PROGRAM SERVICES | Page 1 of 7 |
| Section 7: Releases/Placement | Revision Date: Oct. 21, 1999 |
| Signature: /s/ by Rick Day, Director | Effective Date: Jan. 1, 1997 |

I. POLICY:

It is the policy of the Department of Corrections, in cooperation with local authorities, to utilize available bed space in county detention facilities for the placement of offenders under the jurisdiction of the Department when the State correctional system, facility, or an individual exceeds its emergency capacity.

II. AUTHORITY:

53-1-203, MCA. Powers and Duties of the Department of Corrections

53-30-106, MCA. Excessive Inmate Population -- Confinement of Inmates in Other Institutions

7-32-2222, MCA. Health and Safety of Prisoners

7-32-2242, MCA. Use of Detention Center -- Payment of Costs

7-32-2243, MCA. Contracts for Detention Center Services

III. DEFINITIONS:

Detention Center means a jail operated by a county or local unit of government for the purpose of detaining and/or incarcerating adult offenders.

Emergency Capacity means the capacity of a State correctional facility beyond which the facility cannot be safely and securely operated. Pursuant to 53-30-106, MCA, a correctional facility or system that exceeds the emergency capacity for 30 consecutive days, the Director of the Department may declare that an emergency capacity has been exceeded and temporarily stop admissions to the facility or system.

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On Leave to Custody (OLTC) means an offender removed from Department custody and transported to a local facility by court order, for the purpose of making a court appearance in a civil or criminal matter.

Sentenced means that a district court judge has pronounced judgment and formally signed and dated the sentencing order.

State Offender means an adult inmate who has been convicted and sentenced to the Department or a State correctional facility.

IV. PROCEDURES:

A. Introduction

The Department is aware of the problems that local jurisdictions have relative to sufficient detention space to meet their own needs. The intent of this policy is only to request that local detention centers house State offenders beyond the normal time awaiting transportation when there are no alternatives available in state correctional facilities. The Department recognizes that some local detention centers in the State wish to house State offenders as a revenue source to offset the cost of facility operations. The Department will continue housing State offenders in those local detention centers as long as the Department needs the additional space.

B. Contracts

A standard contract between the Department and each county will determine the reimbursement rate and the expectations and obligations of the Department and the local detention center.

C. Pre-Determined Availability

The Department will negotiate with local detention centers to establish a set number of detention center beds available for the short or long-term detention of State offenders who would otherwise be housed in a State correctional facility.

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D. Space-Available Jail Beds

1. Counties that do not wish to establish a set number of detention beds that can be used by the Department must, in accordance with 53-30-106, MCA, house State offenders awaiting placement in State correctional facilities as the need arises and as space is available in those facilities.
2. As bed space becomes available, the Department will make a coordinated effort with the counties to expedite the transfer of offenders housed in detention facilities to a State correctional facility.

E. Reimbursement

1. When a District Court Judge sentences an offender to a correctional facility or to the Department, and the Department has declined the county's request to transport the offender, payment for housing the offender will be made at the detention center's basic rate as established in contract. If the Department has declined the county's request to transport the inmate, and the inmate is placed on the county jail holding list, the Department will pay the county the established per diem rate beginning on the date the sentencing order is signed.
2. The Department will not reimburse the counties for offenders arrested by Department staff who is either Montana probation violators or fugitives from an out-of-state jurisdiction.
3. State offenders OLTC for a court ordered appearance are the financial responsibility of the county in which the court appearance is being made, until such time as the offender is returned to Department custody. The county's financial responsibility in these cases is limited to daily per diem costs and routine sick call. The Department is responsible for the costs of chronic and emergent medical care. However, the Department will not be responsible for medical care arising from negligent or intentional acts of the county.

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Generally, the Department will hold a vacant bed for an offender OLTC for one to three days. Prior to transport, the prison must verify the anticipated length of absence and advise the county regarding the prison's ability to hold the bed open until the inmate's return.

When the court proceedings have been completed and the county wishes to return the offender to Department custody, the county must notify the Department the offender is ready to return to the facility. In the event there is no available space, the offender will be placed on the Jail Holding list, and the Department must assume financial responsibility beginning upon the date the county has made notification until such time as the offender is transferred to a Department correctional facility. High security levels and prosecutions for crimes committed within State facilities requires the State to accept return of the inmate.

4. Offenders on escape status from a Department correctional facility who are apprehended and held in detention centers are the financial responsibility of the Department.
5. Medication, hospitalization and other outside medical costs are not included in any per diem rate. Reimbursement for medications, hospitalization and medical costs is covered in the following section on Health Care Costs.
6. If a State offender housed in a detention center causes damage to the facility, the costs for those damages will be assessed to the offender. If the offender has no financial resources, the Department will assume the responsibility for repair costs and will make every effort to recoup those costs from the offender at a later date.

F. Health Care Costs

1. The Department will not pay the costs for reception screening, routine sick call, and in-house medical screening if the detention center provides that level of service on a routine basis for offenders under the jurisdiction of the detention facility.

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2. The Department shall pay all costs of medications, non-emergency medical services (other than routine sick call), and hospitalization on the date an offender becomes the responsibility of the Department, providing the county obtains prior approval for such expenditures. Prior approval may be obtained by contacting the Health Services Bureau at 444-9839, 444-9894 or 444-4931, or faxing an approval request to 444-1494.
3. Prior to authorizing dental services for state offenders, the detention center must contact the MSP dentist at (406) 846-1320 ext. 2428. If the detention center is unable to contact the MSP dentist, contact the Health Services Bureau at the Department at (406) 444-9839. The Department will not pay for dental charges without prior approval.
4. If prior approval is not possible because the local detention center must secure emergency medical/dental services for an offender, the detention center shall notify the Department within 48 hours of emergency visit by calling the Health Services Bureau at 444-9839. If there is an emergency hospital admission notify “Managed Care Montana” at 1-800-635-5271, extension 8797, by the next working day following admission and to the Department.

G. Offender Programs

Typically local detention centers will not be asked to provide program services such as education, vocational programming, and substance abuse counseling for State offenders. In the event that the detention center provides some level of offender programs, the Department will assume financial responsibility for those services only if it has given prior approval for them

H. Department Review of Placements

1. The Department will maintain open lines of communication with local detention centers for the purpose of determining offender placements and needs.

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I. Offender Placements

1. Placement of State offenders in local detention centers will be made following sentencing and/or screening to determine if the offender is to be placed in a State correctional facility and if there is adequate space. Pursuant to 53-30-106, MCA, the offender will remain in the detention center in the county in which the offender was sentenced until such time as space becomes available in a State correctional facility or the Department establishes an alternate placement.
2. If a detention center notifies the Department that it is unable to continue to house an offender, the Department will make every effort to transfer the offender to Department custody or to another detention center. Transfers to an alternate detention center will be made at the earliest possible time, consistent with the availability of secure bed space in those facilities.

J. Out-of -State Placements

1. The Department may establish contracts as needed with out-of-state correctional organizations to house offenders.
2. Generally, the Department will utilize out-of-state placements for longer-term offenders who have already been received and classified at a State correctional facility.
3. Out-of-state placements should provide additional space at State correctional facilities so the Department can transfer State offenders being held in detention centers to Department custody.

K. Transportation

The Department will make every effort to cooperate with counties to support cost effective and secure transportation of inmates.

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1. Transportation from the county in which an adult offender is sentenced to the State correctional facility in which the person is to be housed is the responsibility of the sentencing county.

2. If an offender is transferred to a detention center outside of the county in which the offender was convicted/sentenced, transportation to that facility will be the responsibility of the sentencing county.

3. Transportation of offenders under community supervision/placement from one detention center to another will remain the responsibility of the Department unless the offender is on probation, in which case the county is responsible for costs.

4. Counties are responsible for transporting parole violators to State correctional facilities as soon as possible after parole revocation proceeding have been completed.

5. Transportation of Department offenders in out-of-state placements who are required to return to Montana OLTC is the responsibility of the Department.

V. CLOSING:

Questions concerning this policy shall be directed to the Warden or Superintendent of the appropriate Department correctional facility or to the Director of the Department of Corrections.